

# 60-DAY NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE § 25249.7(d)

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**DATE:** March 28, 2016

**To:** Philip Blake, President – Bayer Corporation  
Kenneth Frazier, Chief Executive Officer – MSD Consumer Care, Inc.  
Bill Graham, President – Beiersdorf North America Inc.  
Bill Graham, President – Beiersdorf, Inc.  
Gordon Farquhar, Chief Executive Officer – Boots Retail USA Inc.  
Belinda Colesanti, President – C&K LLC  
Belinda Colesanti, President – Coola LLC  
Nonie Creme, President – Colour Prevails LLC  
Brian Robinson, President – TPR Holdings LLC  
Alan Hoskins, Chief Executive Officer – Energizer Holdings, Inc.  
David Hatfield, President – Energizer Personal Care, LLC  
David Hatfield, Chief Executive Officer – Edgewell Personal Care Company  
Max Recone, President – Sun Pharmaceuticals Corp.  
Fabrizio Freda, President – The Estee Lauder Companies Inc.  
Daniel Brestle, Chief Executive Officer – Clinique Laboratories, LLC  
Irwin Simon, President – The Hain Celestial Group, Inc.  
Jeff Smith, President – Johnson & Johnson Consumer Companies, Inc.  
Frederic Roze, President – L’Oreal USA, Inc.  
Eric Chen, President – Markwins International Corporation  
Eric Chen, President – Markwins Beauty Products, Inc.  
Steve Hilbert, President – New Sunshine, LLC  
Eric Weber, President – Australian Gold, LLC  
Gary DeAngelo, President – No-Ad Products, LLC  
Kimberly Mana, President – Panama Jack, Inc.  
President – Pierre Fabre Dermo-Cosmetique USA, Inc.  
Salvatore Piazzolla, Chief Executive Officer – S & G Hamptonsun, LLC  
Heidi Manheimer, President – Shiseido Americas Corporation  
Heidi Manheimer, President – Shiseido America Inc.  
President – StriVectin Holdings, LLC  
President – StriVectin Operating Company, Inc.  
Thomas Rinks, President – Sun Bum LLC  
Holly Thaggard, Chief Executive Officer – Taylor James, LLC  
David Brandon, Chief Executive Officer – Toys “R” Us, Inc.  
Gregory Wasson, President – Walgreen Co.  
Jeffrey Bezos, President – Amazon.com, Inc.  
Arthur Stark, President – Bed Bath & Beyond Inc.  
Edmund Davis, President – Bristol Farms  
Larry J. Merlo, President – CVS Health Corporation  
Helena Foulkes, President – CVS Pharmacy, Inc.  
Dan Obegi, President – Dermstore LLC  
Jeffrey Gennette, Chief Executive Officer – Macy’s, Inc.  
Blake Nordstrom, Co-President – Nordstrom, Inc.  
Erik Nordstrom, Co-President – Nordstrom, Inc.  
Peter Nordstrom, Co-President – Nordstrom, Inc.

Kenneth Martindale, President – Rite Aid Corporation  
Edward Lampert, Chief Executive Officer – Sears Holdings Corporation  
Brian Cornell, Chief Executive Officer – Target Corporation  
Mary Dillon, Chief Executive Officer – Ulta Salon, Cosmetics & Fragrance, Inc.  
C. Douglas McMillon, President – Wal-Mart Stores, Inc.

California Attorney General's Office;  
District Attorney's Office for 58 Counties; and  
City Attorneys for San Francisco, San Diego, San Jose, Sacramento and Los Angeles

**FROM:** Anthony E. Held, Ph.D., P.E.

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## **I. INTRODUCTION**

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My name is Anthony E. Held. I hold a Doctor of Philosophy degree in Environmental Engineering and I am a registered professional engineer in the State of California. I am a citizen of the State of California acting in the interest of the general public. I seek to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve human health by reducing hazardous substances contained in such items. This Notice is provided to the public agencies listed above pursuant to California Health & Safety Code § 25249.6 *et seq.* (“Proposition 65”). As noted above, notice is also being provided to the alleged violators, Bayer Corporation, MSD Consumer Care, Inc., Beiersdorf North America Inc., Beiersdorf, Inc., Boots Retail USA Inc., C&K LLC, Coola LLC, Colour Prevails LLC, TPR Holdings LLC, Energizer Holdings, Inc., Energizer Personal Care, LLC, Edgewell Personal Care Company, Sun Pharmaceuticals Corp., The Estee Lauder Companies Inc., Clinique Laboratories, LLC, The Hain Celestial Group, Inc., Johnson & Johnson Consumer Companies, Inc., L’Oreal USA, Inc., Markwins International Corporation, Markwins Beauty Products, Inc., New Sunshine, LLC, Australian Gold, LLC, No-Ad Products, LLC, Panama Jack, Inc., Pierre Fabre Dermo-Cosmetique USA, Inc., S & G Hamptonsun, LLC, Shiseido Americas Corporation, Shiseido America Inc., StriVectin Holdings, LLC, StriVectin Operating Company, Inc., Sun Bum LLC, Taylor James, LLC, Toys “R” Us, Inc., Walgreen Co., Amazon.com, Inc., Bed Bath & Beyond Inc., Bristol Farms, CVS Health Corporation, CVS Pharmacy, Inc., Dermstore LLC, Macy’s, Inc., Nordstrom, Inc., Rite Aid Corporation, Sears Holdings Corporation, Target Corporation, Ulta Salon, Cosmetics & Fragrance, Inc., Wal-Mart Stores, Inc. (the “Violators”). The violations covered by this Notice consist of the product exposures, routes of exposure, and type of harm potentially resulting from exposure to the toxic chemical (“listed chemical”) identified below, as follows:

Product Exposure: See Section VI. Exhibit A  
Listed Chemical: Benzophenone  
Routes of Exposure: Ingestion, Dermal, Inhalation  
Type of Harm: Cancer

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## **II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)**

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The specific type of product that is causing consumer exposures in violation of Proposition 65, and that is covered by this Notice, is listed under “Product Category/Type” in Exhibit A in Section VI below. All products within the category covered by this Notice shall be referred to hereinafter as the “products.” Exposures to the listed chemical from the use of the products have been occurring without

the clear and reasonable warning required by Proposition 65, dating as far back as June 22, 2013. Without proper warnings regarding the toxic effects of exposures to the listed chemical resulting from contact with the products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the listed chemical from the reasonably foreseeable use of the products. California consumers and other individuals, through the act of buying, acquiring, utilizing, applying, or wearing the products, are exposed to the listed chemical. By way of example but not limitation, exposures occur when California citizens use, apply, wear or otherwise handle the products. These acts cause consumers and other individuals to be exposed to the listed chemical through the routine use of all or a portion of the products containing the listed chemical. Additionally, exposure can occur through the routine touching and ingesting of other materials that are contaminated with the listed chemical from the products as a result of these tasks, as well as from inhalation during the application of these products. People likely to be exposed include both children and adults. The California State Plan for Occupational Safety and Health incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions with regard to occupational exposures on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use the means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General.

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### **III. CONTACT INFORMATION**

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Please direct all questions concerning this notice to me through my counsel's office at the following address:

Anthony E. Held, Ph.D., P.E.  
c/o Josh Voorhees  
The Chanler Group  
Parker Plaza  
2560 Ninth Street, Suite 214  
Berkeley, CA 94710  
Telephone: (510) 848-8880

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### **IV. PROPOSITION 65 INFORMATION**

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For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment's ("OEHHA") Proposition 65 Implementation Office at (916) 445-6900. For the Violators' reference, I have attached a copy of "Proposition 65: A Summary" which has been prepared by OEHHA.

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### **V. RESOLUTION OF NOTICED CLAIMS**

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Based on the allegations set forth in this Notice, I intend to file a citizen enforcement lawsuit against the alleged Violators unless such Violators enter into a binding written agreement to: (1) recall products already sold or undertake best efforts to ensure that the requisite health hazard warnings are provided to

those who have received such products; (2) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health & Safety Code § 25249.7(b). If the alleged Violators are interested in resolving this dispute without resorting to time-consuming and expensive litigation, please feel free to contact my counsel identified in Section III above. It should be noted that neither my counsel nor I can: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any district or city attorney who received this Notice. Therefore, while reaching an agreement with me will resolve my claims, such agreement may not satisfy the public prosecutors.

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## VI. EXHIBIT A

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Identified below are specific examples of products recently purchased and witnessed as being available for purchase or use in California that are within the category or type of offending product covered by this Notice. Based on publicly available information, the retailers, distributors and/or manufacturers of the examples within the category or type of product are also provided below. I believe and allege that the sale of the offending products also has occurred without the requisite Proposition 65 “clear and reasonable warning” at one or more locations and/or via other means including, but not limited to, transactions made over-the-counter, business-to-business, through the internet and/or via a catalog by the Violators and other retailers and distributors of the manufacturers.

<i>Product Category/ Type</i>	<i>Toxins</i>	<i>Product*</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/ Distributor(s)</i>
Octocrylene-containing Sunscreen (products claiming a Sun Protection Factor)	Benzophenone	Coppertone Sport Sunscreen Stick 55 (Octocrylene 10%), #37127-02, UPC #0 41100 70373 6	Target Corporation Alameda County, California	Bayer Corporation; MSD Consumer Care, Inc.
		Coppertone Sunscreen Stick Water Babies 55 (Octocrylene 10%), #37123-02, UPC #0 41100 70363 7	Target Corporation Sacramento County, California	
		Coppertone Sport High Performance Clear Continuous Spray Sunscreen 100+ (Octocrylene 10%), #37591-06, UPC #0 412831 9	Walgreen Co. Alameda County, California	
		Value Pack Coppertone Sport High Performance Accuspray Sunscreen Continuous Spray SPF 50 and Coppertone Sunscreen Lotion Oil Free Faces SPF 50+ (Octocrylene 4%), #0 411671 2, UPC #0 41100 70728 4	Walgreen Co. Sacramento County, California	

**VI. EXHIBIT A (continued)**

<i>Product Category/ Type</i>	<i>Toxins</i>	<i>Product*</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/ Distributor(s)</i>
Octocrylene-containing Sunscreen (products claiming a Sun Protection Factor)	Benzophenone	Nivea Men Sensitive Protective Lotion Broad Spectrum SPF 15 Sunscreen (Octocrylene 8.4%), UPC #0 72140 01630 2	Wal-Mart Stores, Inc. ( <a href="http://www.walmart.com">http://www.walmart.com</a> )	Beiersdorf North America Inc.; Beiersdorf, Inc.
		No. 7 CC Cream Color & Care Sunscreen Broad Spectrum SPF 20 (Octocrylene 8%), 4J1, UPC #5 000167 189056	Ulta Salon, Cosmetics & Fragrance, Inc. Sacramento County, California	Boots Retail USA Inc.
		Coola Sport Classic Sunscreen SPF 50 Fresh Mango (Octocrylene 7.7%), UPC #8 53319 00274 2	Ulta Salon, Cosmetics & Fragrance, Inc. Alameda County, California	C&K LLC; Coola LLC
		Nonie Crème Colour Prevails Blurred Lines CC Crème Broad Spectrum SPF 20, LIGHT (01) (Octocrylene 5%), UPC #8 12580 02008 4	Walgreen Co. ( <a href="http://www.walgreens.com">http://www.walgreens.com</a> )	Colour Prevails LLC; TPR Holdings LLC
		Banana Boat Sport Performance UVA/UVB Sunscreen Stick 50 (Octocrylene 10%), #93010938, UPC #0 79656 04651 9	Wal-Mart Stores, Inc. Santa Clara County, California	Energizer Holdings, Inc.; Energizer Personal Care, LLC; Edgewell Personal Care Company; Sun Pharmaceuticals Corp.
		Banana Boat Sport Performance Faces Clear Zinc Sunscreen 50 (Octocrylene 4%), #93010972, UPC #0 79656 00665 0	Rite Aid Corporation Sacramento County, California	
		Banana Boat Sport Performance UVA/UVB Protection Sunscreen Lip Balm 50 (Octocrylene 10%), #93004980, UPC #0 79656 04664 9	Target Corporation Marin County, California	
		Banana Boat Sunscreen Lip Balm Broad Spectrum SPF 45 (Octocrylene 10%), #93011311, UPC #0 79656 04662 5	Walgreen Co. Sacramento County, California	
		Banana Boat Sport Performance Sunscreen Lotion 100 (Octocrylene 8%), #93011957, UPC #0 79656 04968 8	Walgreen Co. Sacramento County, California	

**VI. EXHIBIT A (continued)**

<i>Product Category/ Type</i>	<i>Toxins</i>	<i>Product*</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/ Distributor(s)</i>
Octocrylene-containing Sunscreen (products claiming a Sun Protection Factor)	Benzophenone	Clinique Repairwear Laser Focus All-Smooth Makeup Broad Spectrum SPF 15 (Octocrylene 2%), 7C5H-06, UPC #0 20714 49428 5	Nordstrom, Inc. San Francisco County, California	The Estee Lauder Companies Inc.; Clinique Laboratories, LLC
		Alba Botanica Very Emollient Sunscreen Fragrance Free Clear Spray SPF 50 (Octocrylene 8%), UPC #7 24742 00381 4	Bristol Farms San Francisco County, California	The Hain Celestial Group, Inc.
		Neutrogena Ultra Sheer Liquid Sunscreen Broad Spectrum SPF 70 (Octocrylene 7.5%), #30019831, UPC #0 86800 86009 9	Target Corporation Sacramento County, California	Johnson & Johnson Consumer Companies, Inc.; Neutrogena Corporation
		Neutrogena Ultra Sheer Body Mist Sunscreen Broad Spectrum SPF 100+ (Octocrylene 10%), #30019736, UPC # 0 86800 86019 8	Wal-Mart Stores, Inc. Santa Clara County, California	
		Neutrogena Cool Dry Sport with Micromesh Sunscreen Spray Broad Spectrum SPF 30 (Octocrylene 4%), #30026784, UPC #0 86800 11027 9	Ulta Salon, Cosmetics & Fragrance, Inc. Sacramento County, California	
		Neutrogena Cool Dry Sport with Micromesh Sunscreen Lotion Broad Spectrum SPF 30 (Octocrylene 4%), #30026751, #30026752, UPC #0 86800 11029 3		
		Neutrogena Wet Skin Kids Beach & Pool Sunscreen Stick SPF 70+ (Octocrylene 10%), #30022597, UPC # 0 86800 09767 9	Walgreen Co. San Francisco County, California	
		ROC Multi Correxion Lift Anti-Gravity Day Moisturizer Broad Spectrum SPF 30 (Octocrylene 1.7%), UPC #3 81371 08864 5	Ulta Salon, Cosmetics & Fragrance, Inc. Alameda County, California	Johnson & Johnson Consumer Companies, Inc.

**VI. EXHIBIT A (continued)**

<i>Product Category/ Type</i>	<i>Toxins</i>	<i>Product*</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/ Distributor(s)</i>
Octocrylene-containing Sunscreen (products claiming a Sun Protection Factor)	Benzophenone	Aveeno Baby Continuous Protection Lotion Sunscreen Broad Spectrum SPF 55 (Octocrylene 2.8%), #30021046, UPC #3 81370 01274 0	Target Corporation Sacramento County, California	Johnson & Johnson Consumer Companies, Inc.
		Aveeno Active Naturals Hydrosport Wet Skin Spray Sunscreen Broad Spectrum SPF 30 (Octocrylene 8%), #30021896, UPC #3 81371 15095 3	CVS Health Corporation; CVS Pharmacy, Inc. Solano County, California	
		L'Oreal Paris Advanced Suncare Silky Sheer BB Face Lotion 50+ Sunscreen (Octocrylene 6%), UPC #0 71249 28830 6	CVS Health Corporation; CVS Pharmacy, Inc. Solano County, California	L'Oreal USA, Inc.
		Kiehl's Facial Fuel UV Guard Sunscreen Broad Spectrum SPF 50+ (Octocrylene 5%), S04582XX, UPC #3 605975 092790	Kiehl's San Francisco County, California	
		Kiehl's Activated Sun Protector Sunscreen Broad Spectrum SPF 50 (Octocrylene 7%), #1699513, UPC #3 605970 481254		
		Vichy Laboratories Sunscreen Idealia BB Cream Broad Spectrum SPF 25 Light Shade (Octocrylene 7%), #3612620022248, UPC #3 337871 328849	Walgreen Co. San Francisco County, California	
		L'Oreal Paris Visible Lift CC Cream Sunscreen Broad Spectrum SPF 20 Light/Medium (Octocrylene 7%), #180, UPC #0 71249 25610 7	Sears Holdings Corporation; Kmart Corporation Sacramento County, California	
		Black Radiance True Complexion BB Cream SPF 15, Honey Amber (Octocrylene 3%), #8919, UPC #0 77802 64536 4	Target Corporation Alameda County, California	
Black Radiance True Complexion BB Cream SPF 15, Nude (Octocrylene 3%), #8926, UPC #0 77802 64571 5	Walgreen Co. ( <a href="http://www.walgreens.com">http://www.walgreens.com</a> )			

**VI. EXHIBIT A (continued)**

<i>Product Category/ Type</i>	<i>Toxins</i>	<i>Product*</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/ Distributor(s)</i>
Octocrylene-containing Sunscreen (products claiming a Sun Protection Factor)	Benzophenone	Australian Gold 15 Continuous Spray Sunscreen with Instant Bronzer (Octocrylene 1.85%), A70744-001, UPC #0 54402 71063 0, #0 54402 71041 8	Target Corporation San Francisco County, California	New Sunshine, LLC; Australian Gold, LLC
		NO-AD Kids Continuous Spray Sunscreen Broad Spectrum SPF 50 (Octocrylene 2%), UPC #8 97640 00291 0	Walgreen Co. ( <a href="http://www.walgreens.com">http://www.walgreens.com</a> )	No-Ad Products, LLC
		Panama Jack Continuous Clear Sunscreen Spray SPF 30+ (Octocrylene 2.75%), UPC #0 45336 04130 3	Bed, Bath & Beyond Inc. Marin County, California	Panama Jack, Inc.
		Eau Thermale Avene Ultra-Light Hydrating Sunscreen Lotion 50 Face (Octocrylene 10%), #1197083, UPC #8 38760 00787 4	Dermstore LLC; Target Corporation ( <a href="http://www.dermstore.com">http://www.dermstore.com</a> )	Pierre Fabre Dermo-Cosmetique USA, Inc.
		Hampton Sun SPF 30 Lotion (Octocrylene 8.99%), UPC #1 84573 00004 6	Amazon.com, Inc. ( <a href="http://www.amazon.com">http://www.amazon.com</a> )	S & G Hamptonsun, LLC
		Shiseido Anti-Aging Suncare 50+ WetForce Ultimate Sun Protection Lotion For Face/Body (Octocrylene 3%), UPC #7 30852 11484 5	Nordstrom, Inc. ( <a href="http://www.nordstrom.com">http://www.nordstrom.com</a> )	Shiseido Americas Corporation; Shiseido America Inc.
		Shiseido Anti-Aging Suncare 50+ WetForce Ultimate Sun Protection Cream For Face (Octocrylene 3%), UPC #7 30852 11485 2	Macy's, Inc. Santa Clara County, California	
		Shiseido Anti-Aging Foundation 36, Fair Ivory (Octocrylene 5%), SP90, UPC #7 30852 11180 6	Macy's, Inc. Contra Costa County, California	
		StriVectin-AR Advanced Retinol Day Treatment SPF 30 (Octocrylene 2.7%), UPC #8 17777 00815 9	Ulta Salon, Cosmetics & Fragrance, Inc. Alameda County, California	StriVectin Holdings, LLC; StriVectin Operating Company

**VI. EXHIBIT A (continued)**

<i>Product Category/ Type</i>	<i>Toxins</i>	<i>Product*</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/ Distributor(s)</i>
Octocrylene-containing Sunscreen (products claiming a Sun Protection Factor)	Benzophenone	Sun Bum 50 Premium Moisturizing Sunscreen Lotion (Octocrylene 2.75%), UPC #8 71760 00045 2	Target Corporation San Francisco County, California	Sun Bum LLC
		Supergoop! Forever Young Hand Cream with Sea Buckthorn Broad Spectrum Sunscreen SPF 40 (Octocrylene 5%), #0779 6845 5608, UPC #8 94280 00186 0	Nordstrom, Inc. Marin County, California	Taylor James, LLC
		Baby Blanket Sunscreen Stick for Babies SPF 45+ (Octocrylene 6%), UPC #0 50778 14575 5	Toys “R” Us, Inc. Contra Costa County, California	Children’s Healthcare Research Group; Baby Blanket Suncare; The Mercer Group Limited
		Baby Blanket Sunscreen Spray for Babies SPF 45+ (Octocrylene 2.75%), UPC #0 50778 14520 5	Toys “R” Us, Inc. ( <a href="http://www.toysrus.com">http://www.toysrus.com</a> )	Children’s Healthcare Research Group; Baby Blanket Suncare; The Mercer Group Limited
		Well at Walgreens Twin Pack Sunscreen Sport Broad Spectrum SPF 50 Continuous Spray (Octocrylene 4%), Item 159508, ORG0712, UPC #0 49022 60748 4	Walgreen Co. ( <a href="http://www.walgreens.com">http://www.walgreens.com</a> )	Walgreen Co.

\*The specifically identified examples of the type of product that is subject to this Notice are for the recipients’ benefit to assist in their investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category/type listed in Exhibit A. It is important to note that these examples are not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under “Product Category/Type” in Exhibit A. Further, it is this citizen’s position that the alleged Violators are obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipients’ custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

# PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury:

I am over the age of 18 years, and not a party to the within action; my business address is Parker Plaza, 2560 Ninth Street, Suite 214, Berkeley, CA 94710.

On March 28, 2016, I served the following documents:

**60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE § 25249.7(d);**

**PROPOSITION 65: A SUMMARY;**

**CERTIFICATE OF MERIT; AND**

**CERTIFICATE OF MERIT ATTACHMENTS (SERVED ONLY ON THE ATTORNEY GENERAL)**

on the entities listed below via First Class Certified Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope, addressed to the entities listed below and providing each envelope to a United States Postal Service Representative:

Philip Blake, President  
Bayer Corporation  
100 Bayer Road  
Pittsburgh, PA 15205

Philip Blake, President  
Bayer Corporation  
P.O. Box 135  
Pittsburgh, PA 15230

Kenneth Frazier, Chief Executive Officer  
MSD Consumer Care, Inc.  
3030 Jackson Avenue  
Memphis, TN 38112

Kenneth Frazier, Chief Executive Officer  
MSD Consumer Care, Inc.  
P.O. Box 219  
Memphis, TN 38101

Bill Graham, President  
Beiersdorf North America Inc.  
45 Danbury Road  
Wilton, CT 06897

Bill Graham, President  
Beiersdorf, Inc.  
45 Danbury Road  
Wilton, CT 06897

Gordon Farquhar, Chief Executive Officer  
Boots Retail USA Inc.  
40 Wall Street, Floor 22  
New York, NY 10005

Belinda Colesanti, President  
C&K LLC  
1726 Ord Way  
Oceanside, CA 92056

Belinda Colesanti, President  
Coola LLC  
1726 Ord Way  
Oceanside, CA 92056

Nonie Creme, President  
Colour Prevails LLC  
950 Third Avenue, 3<sup>rd</sup> Floor  
New York, NY 10022

Brian Robinson, President  
TPR Holdings LLC  
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Ward Klein, Chief Executive Officer  
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533 Maryville University Drive  
St. Louis, MO 63141

David Hatfield, President  
Energizer Personal Care, LLC  
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St. Louis, MO 63141

David Hatfield, Chief Executive Officer  
Edgewell Personal Care Company  
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Chesterfield, MO 63017

David Hatfield, President  
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Max Recone, President  
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Dover, DE 19901

Fabrizio Freda, President  
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767 Fifth Avenue, Floor 38  
New York, NY 10153

Daniel Brestle, Chief Executive Officer  
Clinique Laboratories, LLC  
767 Fifth Avenue, Floor 38  
New York, NY 10153

Irwin Simon, President  
The Hain Celestial Group, Inc.  
1111 Marcus Avenue  
New Hyde Park, NY 11042

Jeff Smith, President  
Johnson & Johnson Consumer Companies, Inc.  
199 Grandview Road  
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## PROOF OF SERVICE (continued)

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Gary DeAngelo, President  
No-Ad Products, LLC  
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Salvatore Piazzolla, Chief Executive  
Officer  
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President  
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Helena Foulkes, President  
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Woonsocket, RI 02895

Blake Nordstrom, Co-President  
Erik Nordstrom, Co-President  
Peter Nordstrom, Co-President  
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Eric Chen, President  
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City Of Industry, CA 91789

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Indianapolis, IN 46278

Kimberly Mana, President  
Panama Jack, Inc.  
230 Ernestine Street  
Orlando, FL 32801

Heidi Manheimer, President  
Shiseido Americas Corporation  
900 Third Avenue  
New York, NY 10022

President  
StriVectin Operating Company, Inc.  
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New York, NY 10001

Holly Thaggard, Chief Executive  
Officer  
Taylor James, LLC  
200 East Grayson Street, Suite 112  
San Antonio, TX 78215

Jeffrey Bezos, President  
Amazon.com, Inc.  
410 Terry Avenue North  
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Edmund Davis, President  
Bristol Farms  
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Carson, CA 90745

Dan Obegi, President  
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Kenneth Martindale, President  
Rite Aid Corporation  
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Camp Hill, PA 17011

Eric Chen, President  
Markwins Beauty Products, Inc.  
22067 Ferrero Parkway  
City Of Industry, CA 91789

Gary DeAngelo, President  
No-Ad Products, LLC  
851 Greensboro Road  
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President  
Pierre Fabre Dermo-Cosmetique USA, Inc.  
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Heidi Manheimer, President  
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East Windsor, NJ 08520

Thomas Rinks, President  
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444 South Coast Highway 101  
Encinitas, CA 92024

David Brandon, Chief Executive Officer  
Toys "R" Us, Inc.  
1 Geoffrey Way  
Wayne, NJ 07470

Jeffrey Bezos, President  
Amazon.com, Inc.  
P.O. Box 81226  
Seattle, WA 98108

Larry J. Merlo, President  
CVS Health Corporation  
1 CVS Drive  
Woonsocket, RI 02895

Jeffrey Gennette, Chief Executive Officer  
Macy's, Inc.  
7 West Seventh Street  
Cincinnati, OH 45202

Edward Lampert, Chief Executive Officer  
Sears Holdings Corporation  
3333 Beverly Road  
Hoffman Estates, IL 60179

## PROOF OF SERVICE (continued)

Brian Cornell, Chief Executive Officer  
Target Corporation  
1000 Nicollet Mall  
Minneapolis, MN 55403

Mary Dillon, Chief Executive Officer  
Ulta Salon, Cosmetics & Fragrance, Inc.  
1000 Remington Boulevard, Suite 120  
Bolingbrook, IL 60440

C. Douglas McMillon, President  
Wal-Mart Stores, Inc.  
702 SW 8<sup>th</sup> Street  
Bentonville, AR 72712

as well as by providing copies of the above documents electronically uploaded to the public enforcers according to directions from their respective offices, and/or by placing a true and correct copy in a sealed envelope, addressed to each party listed below, and served as follows:

<i>Electronically Uploaded to the Attorney General's website:</i>	The Attorney General of the State of California;
<i>By placing each envelope in a United States Postal Service mailbox, postage prepaid:</i>	The District Attorney for Each of the 58 counties in California; and  The City Attorney for Los Angeles, San Diego, San Jose, San Francisco and Sacramento

*A list of addresses for each of these recipients is attached.*

Executed on March 28, 2016, at Berkeley, California.



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Caroline Liang

# CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Clifford A. Chanler, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health and Safety Code § 25249.6 by failing to provide clear and reasonable warnings;
2. I am the attorney for the noticing party;
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the *alleged* exposure to the listed chemical that is the subject of this action;
4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that “reasonable and meritorious case for the private action” means that the information provides a credible basis that all elements of the plaintiff’s case can be established and the information did not prove that the alleged Violators will be able to establish any of the affirmative defenses set forth in the statute;
5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including information identified in Health and Safety Code § 25249.7(h)(2) (*i.e.*, (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons).

Dated: March 28, 2016



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Clifford A. Chanler

# SERVICE LIST

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The Honorable Richard Doyle  
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Office of the California Attorney General  
Proposition 65 Enforcement Reporting  
ATTN: Prop 65 Coordinator  
1515 Clay Street, Suite 2000  
Oakland, CA 94612-0550